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REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 31, 39, 45, 56, and 61 have been amended. Claims 1-30 have been previously canceled. Therefore, claims 31-72 are presented for examination.

Applicants submit that the amendments made to the claims by this Response are not made for the purpose of distinguishing the claims over the cited references, or other known art.

§ 112 Rejections

The Examiner has rejected claims 31, 39, 45, 56 and 61 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Since the claims have been amended in the manner suggested by the Examiner, it is believed that such rejection is moot, and Applicants respectfully request that the rejection to these claims be withdrawn.

102(e) and 103(a) Rejections

The Examiner has rejected the pending claims as being unpatentable over various combinations of U.S. Patent No. 6,253,243 (hereinafter "Spencer"), U.S. Patent No. 6,357,007 (hereinafter "Cromer"), and U.S. Patent No. 6,330,600 (hereinafter "Matchefts") under 35 U.S.C. 102(e) and/or 35 U.S.C. 103(a).

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Applicants respectfully traverse these rejections because Applicants maintain that no combination of the cited references discloses, teaches, or suggests every element of the claims.

First, the Examiner has still failed to identify where specifically in Spencer is disclosed: "generating on an integrated circuit, without executing full network layer software stacks for each protocol layer, a packet on an integrated circuit" as required by, for example, amended independent claim 31. Each of the other currently pending independent claims recite limitations that are similar to these limitations of amended claim 31, although some differences may exist among the limitations of the other pending independent claims. These similar limitations nevertheless patentably distinguish the claims over combinations of the cited art.

Specifically, the Examiner asserts that this limitation is disclosed in Spencer at column 6, lines 50-65, and column 7, line 42-column 9, line 3. Column 6, lines 50-65 of Spencer discloses an SNMP trap daemon process whereby SNMP traps are received from a network and are "either converted to CMIP events and forwarded to the MIS 404 or forwarded as 'raw' SNMP traps to other managers..." Furthermore, this section of Spencer discloses the format of the SNMP trap data that is received. Column 7, line 42 through column 9, line 3 discloses the specificities of converting an SNMP trap to a CMIP event.

Applicants fail to find where in these cited portions of Spencer, or anywhere in Spencer is disclosed: "generating on an integrated circuit, without executing full network layer software stacks for each protocol layer, a packet on an integrated circuit, the packet based on the packet template".

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The Examiner's response, as indicated in the "Response to Arguments" section of the Office Action, is that "since Spender does not clear [sic] state that the SNMP trap PDU is generated by executing a full implementation of network layer software stacks, thus the examiner concludes that Spencer does teach the feature of generating on an integrated circuit, without executing full network layer software stacks for each protocol layer, a packet on an integrated circuit, the packet based on the packet template as shown in col. 6, lines 50-65, col. 7, line 42-col. 9, line 3" (emphasis added, Office Action, page 5, Item 7).

Applicants respectfully submit that the Examiner's reasoning is flawed and misinformed. As a general matter, if an application claims "not X", it is flawed reasoning to conclude that if a reference does not disclose "X", then it must disclose "not X", and therefore anticipate the application. Under this flawed logic, any patent that doesn't disclose "X" must disclose "not X", and must anticipate an application claiming "not X". *Clearly, this is erroneous.*

Furthermore, where X represents "executing full network layer software stacks for each protocol layer", and is therefore a well-known and necessary operation under the prior state of the art, it would be unreasonable to assume that every document which describes the related subject matter would necessarily disclose that operation, and moreover unreasonable to conclude that failure to disclose the operation necessarily implies that the operation is not performed. As indicated in the Specification, under the prior state of the art, a message containing an SNMP trap PDU is generated by executing a full implementation of the network layer software stacks. (See Specification, for

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example, page 3, lines 11-14, and page 4, lines 13-14). Since it is a well-known, necessary operation, it is reasonable for a description of the subject matter to omit the operation. However, omission of the operation does not imply that the operation is not performed.

Secondly, the Examiner has also failed to identify where specifically in Spencer is disclosed: "generating ... a packet on an integrated circuit" as required by, for example, amended independent claim 31.

As pointed out in one or more previous Responses, nowhere does Spencer disclose, teach, or suggest that generating a packet is performed "on an integrated circuit, without executing full network layer software stacks for each protocol layer". Spencer also appears to teach away from generating a packet on an integrated circuit since it specifically describes a software implementation "fixed on a tangible medium, such as a computer readable media, e.g., a diskette, a CD-ROM, a ROM memory, or a fixed disk..." See, for example, Spencer, column 18, line 61 – column 19, line 22. If, indeed, the Examiner believes this to not be the case, Applicants respectfully request that the Examiner precisely identify where this element is taught in the subject application.

Since no combination of Spencer, Cromer and Matchefts discloses, teaches, or suggests each and every element of the claimed invention, it is respectfully submitted that no single one of these references, or combination of these references, renders the pending claims unpatentable. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of the claims.

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Conclusion

Applicants respectfully submit that the claims as amended are in condition for allowance. Therefore, allowance at an early date is earnestly solicited.

The Examiner is invited to initiate an interview with the undersigned by calling 949-498-0601 if the Examiner believes that such an interview will advance prosecution of this application.

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Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) if one is necessary. Please charge our Deposit Account No. 50-0221 to cover any necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 50-0221.

Respectfully submitted,

Date: November 8, 2006

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